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**From:** DYPXCPWEB@northernbeaches.nsw.gov.au  
**Sent:** 22/05/2024 9:21:18 PM  
**To:** DA Submission Mailbox  
**Subject:** TRIMMED: Online Submission

22/05/2024

Select... James and Kate Davis  
- 140 Pitt RD  
North Curl Curl NSW 2099

**RE: DA2024/0374 - 142 - 146 Pitt Road NORTH CURL CURL NSW 2099**

RE: DA2024/0374 - 142-146 Pitt Road, North Curl Curl NSW 2099

As homeowners and residents of 140 Pitt Road, North Curl Curl, a residential property directly adjacent to the proposed development, we wish to make a submission regarding DA2024/0374 as this development will foreseeably have significant impacts on our property, family, and community.

We submit the following issues and objections for Council's consideration:

#### Definition of the Proposed Development

Development Application (DA2024/0374) is described as 'Demolition works and construction of shop top housing'. Shop top housing is defined as 'one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health service facilities' (Warringah Local Environmental Plan, 2011 Dictionary).

We disagree with Minto Planning Services' assertion that this proposal satisfies the above definition and is consistent with E1 - Local Centre zoning objectives (p. 22, Statement of Environmental Effects). The current application is not consistent with this definition, with the majority of proposed ground floor development consisting of residential apartments, multi-storey townhouses, and residential common areas. Additionally, the total proportion of floor space across the proposed four levels represents a disproportionate residential/commercial allocation which deviates dramatically from both the definition of shop top housing and E1 zoning objectives.

#### E1 Zoning

With reference to Warringah Local Environmental Plan (LEP) 2011, we strongly object to the proposed application on the basis that is inconsistent with several objectives of relevant zoning, E1 - Local Centre as detailed below:

1) To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.

This development application decreases the range of retail, business, and community uses, by reducing commercial lots both in number and overall floor space.

Currently, there are 11 shops available to businesses which have all been occupied by

longstanding tenants. The proposed development includes only 5 commercial units, representing more than 44% reduction in the number of lots available for retail and services than there are currently.

In contrast, there are currently 4 shop top residential apartments (1 x 3 bedroom, 1 x 2 bedroom, 1 x 1 bedroom, and 1 x studio). The proposed development includes 11 new residences, which comprise 31 bedrooms in total. This represents a 275% increase in the number of residences, and a 517% increase in the number of bedrooms, which offer no value towards the E1 zone objective stated above.

2) To encourage investment in local commercial development that generates employment opportunities and economic growth.

As above, the proposed development represents a diminished local centre when compared with the existing premises. This, in combination with the failure to meet minimum parking requirements (Warringah Development Control Plan, 2011) is contrary to encouraging investment and growth in commercial development.

3) To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.

As above, the proposed development reduces non-residential land use on the ground floor in both number of units and overall commercial floor size.

Additionally, greater ground floor space is used for residential purposes which add no value to the community as per E1 zone objectives.

4) To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and the natural environment.

Overall, this development proposes construction of a built form of a scale which far exceeds that which is suitable for the size of the land, imposes a footprint and height that is inconsistent with neighbouring land (consisting predominantly of single-storey freestanding residential homes, zoned R2), and is out of place in the middle of a suburban street.

We strongly object to the construction of any built form that exceeds 8.5m height as per relevant planning controls. Height breaches would have a negative impact on both the value and enjoyment of our property due to diminished solar access and visual privacy concerns.

We do not find the stated rationale - that a height breach will be of benefit to the community on the basis that the revenue it generates will offset costs associated with upgrading a stormwater pipe on the property (pp. 7-8, Report - Clause 4.6) to be valid reason for exemption, particularly when there will be negative impacts on neighbouring properties and the local community.

Similarly, we object to the proposed setbacks as these are insufficient due to the visual impact of the proposed development, with rear and Eastern side setbacks of relevance to our property. The proposed setbacks will negatively impact solar access, and privacy of our backyard. We request that merit assessment for all setbacks of this development prioritise minimising negative impacts on the surrounding single-storey family homes, and align closely with the R2 zone planning controls applicable to the adjoining land.

## Parking

We agree with Dianne O'Brien's submission (dated 02/05/2024) with regards to the misrepresentation of current parking on site for existing tenants within the Traffic and Parking Assessment (Report - Traffic), and strongly object to assigning public parking spaces to satisfy the minimum parking requirements for the benefit of the private development at 142-146 Pitt Rd.

Historically, off-street parking has been available for both commercial and residential tenants at 142-146 Pitt Rd, and even with these parking provisions in place, limited street and public parking is a daily issue in the surrounding streets, particularly Pitt Rd, between Ross St and Playfair Rd. We are aware that there have been low speed vehicle collisions and multiple near misses between vehicles and some involving pedestrians, that have arisen due to parking limitations.

These limited options for public parking contribute to traffic congestion in the area, and it is common for vehicles to be left unattended for brief periods of time whilst double-parking other cars, or parking across resident driveways. Large delivery vehicles regularly park across resident driveways and block parked vehicles from departing because of high demand and limited options for parking. These parking issues represent significant safety concerns, particularly as they are located within 'school zones', and impede the visibility of other vehicles and pedestrians in the area.

Not only has the proposed development failed to meet the minimum parking requirements specified by Council's DCP, but the current proposal fails to address known parking limitations that can reasonably be expected to increase with new development. The proposed basement carpark offers some parking facilities; however, the development of ground-level parking for commercial tenants, customers, and loading bays to supplement basement parking, would help to address the shortfall of parking and offer significant benefit to the community. We object to the current application on the basis of inadequate parking provisions, and consider that minimum prescribed parking requirements are inadequate for a new development at this location and hope that future iteration/s of this development application include parking provisions that better reflect the local traffic conditions and objectives of E1 zoning, in compliance with AS/NZS2890.1.

## Pedestrian Safety

With reference to specialist advice detailed in Pre-lodgement Meeting Notes, we are very supportive of widening of the footpath and inclusion of bollards to prevent vehicle intrusion along the Pitt Road shop frontages as part of new development. The local community will benefit from facilities that address these safety issues and suitably accommodate both kerbside dining and pedestrians.

During busier periods, typically before and after school and during the day on the weekends, there are a greater number of customers (including school-aged children) who access existing retailers on bicycles, scooters, and skateboards in addition to local pedestrian traffic. In addition to the aforementioned specialist advice detailed in Pre-lodgement Meeting Notes, we would also like to see the inclusion of bike racks or similar facilities, to reduce congestion on the footpath from bikes/scooters left lying unattended during visits to retailers.

## Tree Preservation

During a telephone conversation on the 13th of December, 2023, the applicant indicated that

he had commissioned a root mapping report which discovered that the roots from the Cook Pine tree located on our property (identified as T1 on Report - Arboricultural), extended approximately 6 metres onto 142-146 Pitt Road. This is contrary to the Root Mapping Report included as Appendix D (Report - Arboricultural) which shows tree roots extending 3.6 metres from the centre of the tree trunk (situated on 140 Pitt Road). Given the importance of tree preservation as part of any approved development, we would appreciate clarity on this discrepancy via a Council-appointed root mapping assessment, to ensure that appropriate tree protection measures are in place at the approvals stage, and during excavation and construction of any approved development in future.